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Dear Harold,

Enclosed is the reprint of the speech by Warren.

Ron Plesser suggested two names to present oral argument to the Supreme Court on Weisberg. One is Alan Morrison, who is associated with Nader, I believe. The other is Vic Kramer, now at Georgetown University, a member of the anti-trust bar and of Arnold and Porter. Described as highly respected and familiar with the Freedom of Information Act. I believe he also referred to a third possibility but didn't name him.

The case Plesser argued before the panel a few weeks back was Schuck b. Butts. The panel was Bazelon, Robertson, and ~~Schaffer~~ Levantthal. The case is not directly an FOI case but one in which discovery of documents under Rule 34 was attempted and then resisted by the Government on the grounds that the FOI act foreclosed it.

According to Plesser, Levantthal first raised the question of Weisberg. Plesser argued that "we don't know completely what Weisberg means" and asserted that until Weisberg was upheld or rejected by the Supreme Court, leeway ought to be allowed in discovery cases. Levantthal rejoined with a remark, "Mr. Plesser, do you take a 9-1 decision of this court so lightly?" Bazelon then interjected that Weisberg ~~was not~~ did not discuss the prior precedents of this court "on the grounds that what you don't see goes away." According to Plesser, Levantthal was upset, angry, with Bazelon's remark.

Best regards and happy hollidays,

Jim

